



MEETING MINUTES
BOARD OF SUPERVISORS, COUNTY OF MONO
STATE OF CALIFORNIA

Regular Meetings: The
First, Second, and Third
Tuesday of each month

Regular Meeting

County Courthouse,
Bridgeport, CA 93517

October 14, 2008

9:00 AM

Meeting Called to Order by Vice Chair Reid

Supervisor Hunt and Chairwoman Bauer were absent. They were representing the County at the Mammoth Airport ceremony.

Pledge of Allegiance led by Supervisor Hazard

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Al Heinrich, resident of June Lake, presented a letter to the Board regarding a letter the Clerk-Registrar mailed to some voters about their registration. He believes the Clerk's letter is intimidating, and he requested an investigation.

Marshall Rudolph, County Counsel, responded:

- The Clerk worked with County Counsel to draft the letter.
- There has been a lot of confusion in Mono County about the difference between residence and domicile, and people have been telling others they can register to vote wherever they want to, which is not the law. Domicile is the primary residence and not a second home.
- The intention of the Clerk's letter was to make sure people were not registering in error. People who registered in recent months with an out-of-county mailing address were notified and given clarification about the election law.
- A number of registrations came in around the time the misinformation was put out, but no registration has been canceled or has been threatened to be canceled. If that were the case, the voter would have a chance to respond.
- The Secretary of State's office spoke with the Clerk and said the letter is fine.
- The Clerk is not taking away a person's right to vote, but wants to be sure people are registered where they are entitled to vote.

The Board agreed that Mr. Heinrich's questions should be addressed. They asked to have this matter put on the consent agenda for October 21 so the Board can refer the issue to the Grand Jury. Mr. Heinrich was also informed that as a private citizen he can submit his letter to the foreman of the Grand Jury.

BOARD MEMBER REPORTS

Supervisor Reid reported on the following:

1. Regarding the Drell issue (June Lake General Store), there have been a number of comments made that people believe the rules should apply to everyone and the County's action is appropriate.
2. On September 17th, met with a PR firm from San Diego regarding the County's relationship with the base in Pickle Meadows. Believes the relationship has always been very good, and pointed out that the base has done positive things for the community. However, would like new commanders to come to a meeting and introduce themselves.
3. Attended the Bridgeport RPAC meeting; it was routine.
4. On September 24th-25th attended the RCRC conference in Lake Tahoe. Talked about defensible space, and aggregate problems. It was a well-done program.
5. On September 27th, attended the Friends of Bodie Railroad dedication of the Kiosk off 395. The volunteers have done an excellent job.
6. Attended an IMAAA meeting on September 29th; it was mainly ministerial, and several contracts were approved.
7. Attended the RPAC meeting in Walker; it was routine.
8. Recently attended a function at the Walker Community Center. The crowd was large and the building was full. Pictures show the need for a new structure since the community is outgrowing the current facility.
9. Attended the Mono Basin RPAC meeting on October 8th. Talked about the south county recreational district and had a discussion about affordable housing. The RPAC will fine tune the project housing.
10. Last night attended the Antelope Valley Fire District meeting. More negotiations will follow.

Supervisor Hunt reported on the following:

1. No report.

Supervisor Hazard reported on the following:

1. Attended the Eastern Sierra Recreational Group Roundtable Steering Committee meeting. This group provides an overview of various issues being pursued in the County by different groups. Talked about how to create a committee to coordinate the groups; suggested that the CPT would be the best place to house this committee.
2. Attended a follow up meeting with Eric Drell in June Lake. He seems to be interested in closing the store; however, there seems to be some agreement about moving forward. Worked with his engineers to come to some kind of agreement. Mr. Drell indicated that compliance would cost about \$100,000, which is too costly. There was a suggestion about moving the apartment into the affordable housing program, in which case County assistance may be available.
3. Held office hours in Chalfant last Friday. One constituent enquired about the playground equipment. Public Works believes the equipment may be installed within the next few weeks.
4. Stopped by Crowley Community Center to review progress on the landscaping. The handicap accessible parking ramp has been paved, and the framework for the walkway is in place. Asked Public Works to re-evaluate the placement of the walkway since it appears to be under the drip line of the roof. This reiterates the need to have on-site inspections of projects. Kim McCarthy, facility coordinator, is happy with the work.
 - Evan Nikirk: The sidewalk will be relocated. Typically someone does perform inspections, but due to limited resources, they don't station a person full time at a project site.

Supervisor Farnetti reported on the following:

1. Was on vacation last week in Big Sur.
2. Attended the 40th anniversary dinner for the hospital auxiliary. Since 1968 the auxiliary has provided the hospital with over \$10 million in equipment.
3. Boyd Lemmon passed away (first Mayor of Mammoth Lakes).

Chairwoman Bauer reported on the following:

1. No report.

COUNTY ADMINISTRATIVE OFFICE

1)

CAO Report regarding Board Assignments (David Wilbrecht)

RECOMMENDED ACTION: Receive brief oral report by County Administrative Officer (CAO) regarding his activities.

David Wilbrecht reported on the following:

1. Continuing to do status reports with department heads.
2. Met with Eric Drell along with pertinent county employees and Supervisor Hazard. It has been suggested Mr. Drell that he work with a professional to resolve the problems. There is a two year period from when the permit is issued to when the work has to be completed. In the meantime, Drell has to decide whether or not he wants to continue running his business; he has indicated that he has been losing money.
3. Met with the Antelope Valley Fire District in Walker. Will come up with a decision about what to do with the garage.
4. Follow up about ADA at June Lake Community Center. The ramp complies but there are details that need to be fixed (such as signage, a door that needs to be reversed, and roof rafters need to be secured). In the future, the Building Department will be involved when these types of projects are done.
5. Asked for feedback about when to fund projects. Typically, the Board funds projects during the budget process. Patty Heinrich submitted a request for a project to be funded.
 - Marshall Rudolph: Last week the Board directed County Counsel to work with Ms. Heinrich.
 - The Board asked for this issue to come back to them after more work has been accomplished, such as exploring the possibility of CDBG funding.

2)

APPROVAL OF MINUTES

No minutes to approve.

CLOSED SESSION

Closed Session: 9:48 a.m.

Reconvened: 10:00 a.m.

Break: 11:00 a.m.

Reconvened: 11:15 a.m.

COUNTY COUNSEL

- 3a) Conference with Legal Counsel - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9. Facts and circumstances: Claim For Damages presented by Chester Robert Ashman.

The Board had nothing to report from closed session.

DEPARTMENT REPORTS/EMERGING ISSUES

Tom Wallace reported on the following:

1. Receive one applicant for the IMAAA governing board position, Dolores Wright. She served on the mental health advisory board for a number of years, and has many qualifications to serve on the IMAAA Board. Suggested having a meeting with Dolores to find out her view points about the position. Supervisor Reid suggested making the appointment before the next IMAAA board meeting.

Lynda Roberts reported on the following:

1. Provided information about the number of properties in the process of foreclosure. She compared January-September 2007 with January-September 2008. The number of documents recorded has increased since 2007.

Brian Muir reported on the following:

1. The quarterly investment report was forwarded to the Board. Investments are earning above LAIF and are liquid in two days. For the quarter, investments earned about 4.2%; LAIF is at about 2.78%. Will try to keep invested in funds with good rates, and hold bonds to maturity. There are potential problems over the long term that the County will have to deal with, but Muir is concerned first about safety, second about liquidity, and lastly about yield. The investment report is sent to all the entities in the investment pool.
2. Reported about the needs assessment; worked with CAO and Director of Public Works and Community Services. Asking consultant to look at the County's immediate needs, needs in 10 years and needs in 20 years (which will include staffing needs and building needs). Will meet with department heads and RPACs, and will also look at the best way to accomplish the goals and possible funding.

Jeff Walters reported on the following:

1. Reported on the reason for the lack of heat in the Courthouse. The two new boilers have been installed, but because they are more efficient, they didn't keep the pipes from freezing. The contractor has been called.
2. Regarding snow removal, he has been negotiating with a private contractor about services.

CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

FINANCE

- 4a) Fixed Asset Policy - Consider revised County of Mono fixed asset policy.

- M08-200** **Action:** Approve revised fixed asset policy.
Hazard/Farnetti, 3-0; Bauer and Hunt absent

REGULAR AGENDA

CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are available for review and are located in the Office of the Clerk of the Board

CLERK-RECORDER

- 5a) Correspondence to the Board - There is no correspondence.

PUBLIC WORKS

- 6a) Bid Opening - Dump Truck Purchase (**Evan Nikirk and Jeff Walters**) - Open and read aloud bids submitted in response to Public Works' Invitation to Bid to furnish three new dump trucks. Provide any desired direction to staff.

- M08-201** **Action:** Refer bids to the Public Works Director for review and recommendation.
Hazard/Farnetti, 3-0; Bauer and Hunt absent

Evan Nikirk: This is the culmination of a long process with the Board to identify the need to overhaul the big equipment fleet. The Board authorized \$515,000 for the purchase of three, 10-wheel dump trucks, which will include dump beds, snow plows and sander boxes. The bid specifications also included beacons and two-way radios. Approximately 15 International Truck dealers were sent the bid package, but only received one bid. The vendor in Sparks did not submit a bid in time. It will take about 4 months to manufacture and customize the trucks; payment will be made 30 days after delivery.

The Clerk opened the bid from Gibbs International Truck Centers in Bakersfield. They bid \$439,672.76 for all three trucks, including tax and delivery.

FINANCE

Additional Departments: County Administrative Officer, County Counsel

- 7a) Policy Regarding Use of Public Funds to Provide Food and Beverages (**Brian Muir**) - Consider proposed resolution adopting a County policy regarding use of public funds to provide food and beverages other than as related to authorized County travel. Receive staff report. Provide any desired direction to staff.

- R08-55** **Action:** Adopt **Resolution R08-55** adopting a County policy regarding use of public funds to provide food and beverages other than as related to authorized County travel; amend the Resolution to specify that the lunch rate will be consistent with the current travel per diem.
Hazard/Farnetti, 3-0; Bauer and Hunt absent

Brian Muir: This is a proposed policy to set forth those situations where it is appropriate to provide refreshments or possibly a meal. The concept is that if the participants at a meeting, such as the Board or an interview panel, are required to work through the lunch hour, the County would provide up to \$15 per person for a meal. This resolution would also allow light refreshments at one staff meeting per month limited to \$2 per person. The proposed resolution was circulated amongst department heads.

Dave Wilbrecht: This issue surfaced with interview panels and staff training in Lee Vining. There is a need to provide a meal so people don't leave the meeting and delay reconvening. Asked for a policy that was conservative in nature, and would anticipate certain situations such regular staff meetings or occasions when people need to work through the lunch hour. This policy will take the burden of having to decide what is appropriate off the Finance Director.

The Board concurred, but asked that the lunch rate be consistent with the current travel per diem of \$12.

COUNTY COUNSEL

- 8a) Claim for Damages (**Marshall Rudolph**) - Consider Claim For Damages filed on or about August 26, 2008, by Chester Robert Ashman.
M08-202 Action: Reject the claim in its entirety and direct County Counsel to notify the Claimant of the Board's action.
Farnetti/Hazard, 3-0; Bauer and Hunt absent

Marshall Rudolph: This claim was discussed in closed session. He recommended that the Board deny it.

Additional Departments: Building

- 8b) Fire Mitigation Fees -- Public Hearing (**Marshall Rudolph**) - Consider proposed resolution establishing new or increased fire mitigation fees applicable to new development within the boundaries of the Antelope Valley Fire Protection District. Conduct public hearing and receive staff report regarding such proposed fees.
Action: The Board deferred a decision in order to get more information from the Antelope Valley Fire Protection District. They continued the item to October 21, 2008.

Marshall Rudolph: These are mitigation fees imposed on new development only, and are calculated to reflect the new development's fair share on the impacts on the fire protection district. The rates are based on information provided to the consultant by the district; the new fees would be based on a flat fee for type of use. Although fees are listed for governmental agencies, the County doesn't have authority to impose mitigation fees on other governments, so the fees on these properties may be difficult or impossible to enforce. The fire district understands this. Representatives from the district were notified about the public hearing.

Supervisor Farnetti: Asked if a district can impose their own fees. Rudolph: They don't have that authority, but it is legal for the County to impose mitigation feeds.

Vice Chair Reid opened the public hearing.

- Dave Wilbrecht: Asked if the County or State would be exempt from paying the fee. Rudolph said as a general rule, the district can't charge another governmental agency. The Board can strike the fees on governmental agencies if they desire.
- Brian Muir: Keeping fees in the resolution for governmental agencies could cause potential problems.

The Board decided to continue this item to next week at which time that wanted clarification from a district representative.

Vice Chair Reid closed the public hearing.

PUBLIC WORKS

- 9a) Award of Purchase Contract – Dump Trucks (**Jeff Walters**) - Receive oral report and recommendation(s) from Public Works regarding the results of bids opened earlier in the meeting. Consider and potentially award purchase contract to lowest responsible bidder. Provide any desired direction to staff.

M08-203 **Action:** 1. Award purchase contract to Gibbs International Inc. in the amount of \$440,293.54 for three 2009 International 6x6 dump trucks with snow plows and sander spreaders, and including the hood hatch and air cleaner snow valve options, for the Department of Public Works. 2. Authorize the Public Works Director to prepare, process, and execute applicable purchase documents with said dealership on behalf of Mono County.
Hazard/Farnetti, 3-0, Bauer and Hunt absent

Jeff Walters: Reviewed the Gibbs proposal and find nothing inconsistent with the bid request; the purchase price would be \$439,672.76. However, Gibbs offered options that amounted to slightly less than \$600: A hood hatch to service the engine when the blade is mounted (\$435); and an air cleaner with a snow valve so the filter doesn't clog (\$153). The cost including the options would be \$440,303.39. Contacted other truck dealers to ask why they didn't bid: One dealer didn't want to encroach upon Silver State (whose bid was received late); the other dealer was located in the Los Angeles area and wouldn't be able to provide adequate service. Asked the Board to accept the proposal from Gibbs in the amount not to exceed \$440,303.39. The delivery date will be in approximately four months (February 2009).

ADJOURN: 11:35 a.m.; adjourn in memory of Boyd Lemmon.

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